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JESSE J. GARCIA (SB# 61223)
Attorney for Defendant
JOB TORRES HERNANDEZ

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	CASE NO.: 17-CR-00462-JSW-1
)	
Plaintiff,)	RESPONSE TO ORDER TO SHOW
)	CAUSE
vs.)	
)	
JOB TORRES HERNANDEZ,)	
)	
Defendant.)	
_____ /)	

Comes now Jesse J. Garcia, attorney for Job Torres-Hernandez, seeking relief from the Order to Show Cause filed October 4, 2017.

Said request for relief is based on the accompanying Declaration and the records of the captioned case already on file.

Dated: October 11, 2017

Garcia, Schnayerson & Thompson

/S/JESSE J. GARCIA
JESSE J. GARCIA
Attorney for Job Torres-Hernandez

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JOB TORRES HERNANDEZ

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	CASE NO.: 17-CR-00462-JSW-1
)	
Plaintiff,)	DECLARATION OF JESSE J. GARCIA
)	
vs.)	
)	
JOB TORRES HERNANDEZ,)	
)	
Defendant.)	
_____ /)	

I am counsel for the defendant in the above-captioned matter. I deeply regret the inconvenience and confusion to the court occasioned by my absence on October 3, 2017, the date of Mr. Torres-Hernandez's initial appearance before this court.

My partner, Austin Thompson, has worked with me on this matter from the date Mr. Torres-Hernandez' family first contacted our office on August 29, 2017. Mr. Thompson prepared the case for the detention hearing before Magistrate Judge Kandis A. Westmore, heard on September 8, 2017. Mr. Thompson has participated in every aspect of Mr. Torres-Hernandez' matter in our office prior to the October 3, 2017 court appearance.

I was in Portland, Oregon meeting with A.U.S.A. Kemp Strickland and my client, Marcial Aguirre in U.S.A. v. Marcial Aguirre, Case No.: 16-CR-00400 on October 3, 2017 through October 4, 2017.

1 We had been awaiting the receipt of discovery requested in writing on September 15,
2 2017 in the Torres-Hernandez case and had arranged with A.U.S.A. Shailika Kotiya to receive
3 the initial discovery material at the time of the initial appearance.

4 Mr. Torres-Hernandez was neither surprised or compromised by my absence on October
5 3, 2017. Mr. Thompson was throughly prepared to represent Mr. Torres-Hernandez on October
6 3, 2017 and to discuss all matters referred to in the courts standing order with authority to enter
7 into stipulations, agree to further scheduling dates, and address any other issues regarding the
8 Torres-Hernandez matter. Nonetheless, I am sorry that my absence on that date violated the
9 letter, if not the spirit, of the court's standing order.

10 I take very seriously my obligations to the court and counsel as a member of the state and
11 federal bar. I was admitted to this district's court following graduation from law school in 1974,
12 and have endeavored to uphold its standards at all times. I have dedicated my career to serving
13 traditionally undeserved members of our society whether due to indigency, language barriers, or
14 any other factor that has served as a barrier to the courts.

15 Upon my graduation from law school, I accepted a post graduate Reginald Heber Smith
16 Community law fellowship which was designed to provide high impact legal services to those
17 often marginalized persons in society. In that capacity, I represented the National Organization
18 of Women, NAACP, and other groups, as well as acting to reform the practices of San Joaquin
19 County agencies in their leased housing program and under Title IX.

20 I followed my fellowship by joining the Alameda County Public Defenders Office where
21 I provided indigent defense for over five and a-half years before leaving to join the private
22 practice of criminal law in 1981.

23 I have never been sanctioned, held in contempt, cited for misconduct, or disciplined in
24 any fashion in my nearly 44 years of practice and take my oath and obligations very seriously.

1 I say this only as an explanation of my absence and not as an excuse.

2 I am requesting the court set aside any contempt citation or sanction contemplated and
3 allow me to continue to represent Mr. Torres-Hernandez and all my other clients, in and out of
4 this district; unblemished by this misstep.

5 I declare under penalty of perjury the foregoing to be true and correct.

6
7 Dated: October 10, 2017

8
9 /S/JESSE J. GARCIA
10 JESSE J. GARCIA
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